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Developments in the field of information and telecommunications in the context of international security

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Report of the Secretary-General

I. Introduction

1. In paragraph 3 of its resolution 56/19 of 29 November 2001 on developments in the field of information and telecommunications in the context of international security, the General Assembly invited all Member States to continue to inform the Secretary-General of their views and assessments on the following questions: (a) general appreciation of the issues of information security; (b) definition of basic notions related to information security, including unauthorized interference with or misuse of information and telecommunication systems and information resources; and (c) the context of relevant international concepts aimed at strengthening the security of global information and telecommunication systems. In paragraph 4, the resolution requested the Secretary-General to consider existing and potential threats in the sphere of information security and possible cooperative measures to address them, and to conduct a study with the assistance of a group of governmental experts, to be established in 2004, appointed by him on the basis of equitable geographical distribution and with the help of Member States in a position to render such assistance, and to submit a report on the outcome of the study to the General Assembly at its sixtieth session.

2. On 15 February 2002, the Secretary-General addressed a note verbale to Member States asking them to provide their views pursuant to the invitation of the General Assembly. The replies received from Governments as at the end of June 2002 are reproduced in section II of the present report; any other replies received will be issued as addenda to it.

II. Replies received from Governments

[Original: Spanish]
[5 June 2002]

Guatemala

1. Guatemala is plunged in the midst of advances in global communications and is therefore also feeling the need to adopt legislative and technological measures so as to ensure information security by averting, preventing, detecting and correcting breaches of security during the transmission of information by the various means, whether by telephone, Internet, e-mail or other means. Breaches of security of

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communications can occur through interruption, interception, modification and production.

2. In order to establish a legislative framework for the development of telecommunications activities and regulate the use and exploitation of such activities, Guatemala has enacted the General Telecommunications Act, pursuant to Decree No. 94-96 of the Congress of the Republic of Guatemala, dated 17 October 1996, which under Title II, Chapter I, article 5, establishes the Superintendency of Telecommunications (SIT) as the technical organ of the Ministry of Communications, Transport, Public Works and Housing, headed by the Superintendent, and Decree No. 115-97 of 19 November, which contains certain amendments to Decree No. 94-96.

3. There are also the Rules for the Operation of Satellite Systems in Guatemala, Government Agreement No. 574-98, of 2 September 1998, which provides that SIT may authorize suppliers and users of satellite facilities to provide such services within the territory and authorize and register earth stations for the purpose of ascendant links (earth-space).

4. Article 23 of this Act provides for the creation of a register of telecommunications listing the names of all operators of commercial networks and general information on all personal identification data.

5. It is important to emphasize that it is essential that international organizations such as the United Nations should adopt necessary security measures for the handling of information. In order to ensure that the latter does not at any time jeopardize or adversely affect the security of democratic States, we recommend the following steps:

6. Books, documents and records relating to the payment of taxes, rates, charges and fees may be inspected by a competent authority in accordance with the law. It is a punishable offence to disclose the amount of taxes paid, profits, losses, expenses or any other data relating to audited accounts to individuals or juridical persons, with the exception of overall balances, publication of which is mandated by law.

Penal Code

7. **Article 295 (Interruption of or interference with communications):** Anyone who seeks to undermine the security of telecommunications or postal communications, or who interrupts or interferes with such services in any way shall be liable to a prison term of from two to five years.

8. **Article 274 (Violation of copyright and related rights):** Barring the exceptions specifically contemplated in the laws or treaties on the subject to which Guatemala is a party, the penalty for any one of the following acts shall be a prison term of from one to four years and a fine of between 1,000 and 500,000 quetzales:

9. **(k):** Decoding of signals transmitted by satellite or any other telecommunications means which broadcast programmes of any kind without the authorization of the legitimate distributor.

10. **Article 274 "D" (Banned files):** Anyone who sets up a database or computer file containing information that might affect the privacy of individuals shall be liable to a prison term of from six months to four years and a fine of between 200 and 1,000 quetzales.

11. **Article 274 "E" (Manipulation of information):** Anyone who uses computer files or computer programmes to conceal, alter or distort information requested for a commercial activity to fulfil an obligation towards the State or to conceal or alter statements regarding the accounts or property of a natural or artificial person shall be liable to a prison term of from one to five years and a fine of between 500 and 3,000 quetzales.

12. **Article 274 "F" (Use of information):** Anyone who, without authorization, uses another person's computer files or enters their database or electronic files, by any means, shall be liable to a prison term of from six months to two years and a fine of between 200 and 1,000 quetzales.

13. **Article 274 "G" (Destructive programmes):** Anyone who distributes or puts into circulation destructive programmes or instructions capable of damaging computer files, programmes or equipment shall be liable to a prison term of from six months to four years and a fine of 200 quetzales.

14. **Confidentiality:** Means that information is accessible only to authorized entities.

15. **Authentication:** Means correct identification of message origin.

16. **Integrity:** Means that information can be modified only by authorized entities.

17. **Non rejection:** Provides protection to a user against another user subsequently denying that a communication was, in fact, made.

18. **Control of access:** Means that access to information is controlled and limited by the destination system through the use of countersigns, so as to protect it from unauthorized use or manipulation

19. **Availability:** Means that computer system resources are available to authorized entities when needed.

20. Guatemala has basic legislation regulating everything to do with offences having to do with communications; this includes the Political Constitution of the Republic of Guatemala, **article 24** of which, "**Inviolability of correspondence, documents and books**", provides that

> "The correspondence of all individuals, their documents and books are inviolable. They can be inspected or seized only pursuant to a final decision handed down by a competent court and with the legal formalities. The privacy of communications by telephone, radio, cable and other products of modern technology is guaranteed";

and the American Convention on Human Rights, which provides in **article 13, "Freedom of Thought and Expression"**:

> "1. Everyone has the right to freedom of thought and expression. This right includes freedom to seek, receive, and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing, in print, in the form of art, or through any other medium of one's choice.
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> 2. The exercise of the right provided for in the foregoing paragraph shall not be subject to prior censorship but shall be subject to subsequent imposition of liability, which shall be expressly established by law ...
>
> 3. The right of expression may not be restricted by indirect methods or means, such as the abuse of government or private controls over newsprint, radio broadcasting frequencies, or equipment used in the dissemination of information, or by any other means tending to impede the communication and circulation of ideas and opinions."